



441 G St. N.W.
Washington, DC 20548

B-338301

April 22, 2026

The Honorable Mike Crapo
Chairman
The Honorable Ron Wyden
Ranking Member
Committee on Finance
United States Senate

The Honorable Brett Guthrie
Chairman
The Honorable Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce
House of Representatives

The Honorable Jason Smith
Chairman
The Honorable Richard Neal
Ranking Member
Committee on Ways and Means
House of Representatives

Subject: *Department of Health and Human Services, Centers for Medicare & Medicaid Services: Announcement of Calendar Year (CY) 2027 Medicare Advantage (MA) Capitation Rates and Part C and Part D Payment Policies*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of Health and Human Services, Centers for Medicare & Medicaid Services (CMS) entitled “Announcement of Calendar Year (CY) 2027 Medicare Advantage (MA) Capitation Rates and Part C and Part D Payment Policies” (RIN: 0938-ZC02). We received the rule on April 7, 2026. It was published on CMS’s website on April 6, 2026. The effective date of the rule is January 1, 2027.

According to CMS, this rule announces the annual capitation rate for each Medicare Advantage payment area for calendar year 2027 and the risk and other factors to be used in adjusting such rates. CMS stated that this announcement is in accordance with section 1853(b)(1) of the Social Security Act, Public Law 74-271 (Aug. 14, 1935), as amended.

Enclosed is our assessment of CMS’s compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to

the subject matter of the rule, please contact me at (202) 512-8156.

A handwritten signature in black ink that reads "Shirley A. Jones". The signature is written in a cursive, flowing style.

Shirley A. Jones
Managing Associate General Counsel

Enclosure

cc: Calvin E. Dukes II
Regulations Coordinator
Department of Health and Human Services

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES,
CENTERS FOR MEDICARE & MEDICAID SERVICES
ENTITLED
“ANNOUNCEMENT OF CALENDAR YEAR (CY) 2027 MEDICARE ADVANTAGE (MA)
CAPITATION RATES AND PART C AND PART D PAYMENT POLICIES”
(RIN: 0938-ZC02)

(i) Cost-benefit analysis

In its submission to us, the Department of Health and Human Services, Centers for Medicare & Medicaid Services (CMS) indicated that it was not required to prepare an analysis of the costs and benefits of this rule.

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603–605, 607, and 609

CMS indicated in its submission to us that the Act is not applicable to this rule.

(iii) Agency actions relevant to sections 202–205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532–1535

CMS indicated in its submission to us that the Act is not applicable to this rule.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

On January 26, 2026, CMS published an advanced notice. Regulations.gov, CMS-2026-0034, available at <https://www.regulations.gov/docket/CMS-2026-0034> (last visited Apr. 15, 2026). CMS stated that they received comments from various interested parties. Rule, at 1, 29. CMS responded to comments in the rule. *Id.*

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501–3520

CMS indicated in its submission to us that the Act is not applicable to this rule.

Statutory authorization for the rule

CMS promulgated this rule pursuant to section 1853(b)(1) of the Social Security Act.

Executive Order No. 12866 (Regulatory Planning and Review)

CMS indicated in its submission to us that the Order is not applicable to this rule.

Executive Order No. 13132 (Federalism)

CMS indicated in its submission to us that the Order is not applicable to this rule.